

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3374

IN THE MATTER OF:

Served July 11, 1989

Application of P&T TRANSPORTATION)
CO., INC., to Amend Certificate)
No. 47)

Case No. AP-89-09

By application filed February 22, 1989, P&T Transportation Co., Inc. (P&T or applicant), seeks to amend its WMATC Certificate No. 47. Applicant seeks to transport passengers in special operations between health care facilities in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District, restricted to transportation in vehicles having a manufacturer's designed seating capacity of 15 passengers or less (including the driver). 1/

A public hearing was held on April 25, 1989, pursuant to Order No. 3301, served March 10, 1989. One operational witness and three public support witnesses testified on applicant's behalf. The application is unprotested.

SUMMARY OF THE EVIDENCE

P&T currently holds WMATC Certificate No. 47 which authorizes the following transportation:

IRREGULAR ROUTES:

- PART A -

SPECIAL OPERATIONS, round-trip or one-way, transporting persons confined to wheelchairs between medical treatment facilities 2/ located in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District.

1/ To the extent that the application could be interpreted to include transportation solely within the Commonwealth of Virginia, the application was dismissed pursuant to the Compact, Title II, Article XII, Section 1(b), by Order No. 3301.

2/ Applicant's representative testified that P&T did not intend to make a distinction between medical treatment facilities and health care facilities when it substituted the latter for the former in its application.

RESTRICTED IN PART A to the transportation of non-ambulatory participants in the Medicaid program of the District of Columbia, and further restricted to transportation in vehicles specially equipped with ramps and mechanical devices for securing wheelchairs in transit.

- PART B -

SPECIAL OPERATIONS, round-trip or one-way, transporting persons between (1) National Rehabilitation Hospital, 102 Irving Street, N.W., Washington, D.C., and (2) Greater Southeast Community Center for the Aging, 1350 Southern Avenue, S.E., Washington, D.C., on the one hand, and, on the other, points in the Metropolitan District.

RESTRICTED IN BOTH PARTS A and B above to transportation in vehicles with a manufacturer's designed seating capacity of 15 passengers or less (including the driver) and further restricted against transportation solely within the Commonwealth of Virginia.

By this application P&T seeks to expand its existing authority to serve private-pay passengers, both ambulatory and non-ambulatory, who require transportation to and from medical treatment facilities located throughout the Metropolitan District.

Mr. Thomas A. Pickens testified on behalf of the applicant. Mr. Pickens is president of P&T and has been with P&T since 1977. Applicant plans to conduct the proposed operations in three vehicles that are specially equipped with ramps and wheelchair tie-downs. The vehicles, which P&T uses for its current operations, are also equipped with a fire extinguisher and a first-aid kit. Each vehicle has the capacity to transport two wheelchair-confined and five ambulatory passengers. Three additional ambulatory passengers could be accommodated if another bench seat were added to each vehicle. Applicant has a fourth wheelchair-equipped vehicle that could be used for back-up purposes; it is operable and can be readily insured. Mr. Pickens testified that applicant does not have sufficient business to justify full-time use of the fourth vehicle at present.

Applicant engages in a regular program of preventive maintenance. Mr. Pickens is a qualified mechanic and performs minor maintenance on applicant's vehicles. Major repairs are handled by an automotive shop. P&T employs two drivers (Mr. Pickens also serves as a driver), and one full-time and one part-time employee for answering calls. Applicant's drivers undergo a six-week training program that covers driving techniques and treatment of non-ambulatory passengers. Additional employees would be hired if demand dictates.

Applicant would conduct the proposed operations Monday through Saturday between 6 a.m. and 7 p.m., excluding holidays. P&T proposes to charge \$43 for round-trip transportation and \$25 for one-way trips. A \$12.50 cancellation fee and a \$10 charge for the passenger's attendant would also be charged. The proposed tariff lists rates for Medicaid service and private-pay rates to the National Rehabilitation Hospital and the Greater Southeast Community Center for the Aging that differ somewhat from charges listed in P&T's existing tariff. Mr. Pickens testified at hearing that applicant intends to keep its Medicaid rates identical to those currently on file. He also testified that a uniform rate structure is desired for its private-pay work. The witness stated that passengers would be subject to an extra charge for operations beyond the Capital Beltway and a waiting fee. 3/

Applicant's balance sheet as of December 31, 1988, shows current assets of \$2,500 and fixed assets of \$13,865 after allowance for depreciation. Current liabilities are listed at \$5,792, with long-term liabilities of \$6,900 and earned surplus of \$3,673. Applicant's operating statement for the year ended December 31, 1988, lists operating income of \$113,177 and operating expenses of \$109,325, resulting in net operating income before taxes of \$3,792. Applicant submitted a projection of revenues and expenses for the twelve months ending December 31, 1989, listing \$141,396 in revenues and \$109,325 in before-tax expenses. The figures represent a projection for current and proposed operations, with 20 percent of the revenues listed representing revenues that P&T expects to generate from its first year of proposed operations. Amounts listed for repairs, gas and oil, and salary and wages should also be increased by 20 percent.

Applicant now carries approximately 15 to 25 passengers daily. The figures represent a combination of both Medicaid and private-pay passengers. If the authority sought in this application is granted, applicant expects to transport five to eight additional passengers a day. Applicant is in compliance with the Compact and Commission rules and regulations and plans continued compliance. Further, applicant intends to abide by the United States Department of Transportation (USDOT) safety regulations.

Mr. Anthony Eugene Shepherd testified in support of the application. Mr. Shepherd is employed as a work clerk unit secretary at the Capitol Hill Dialysis Center (Center) in Washington, DC. Mr. Shepherd's duties include making transportation arrangements for patients. The Center serves Medicaid as well as private-pay patients and handles approximately 50 to 60 patients daily. The patients require transportation from and to Prince George's and Montgomery Counties, MD, Northern Virginia, and Washington, DC. The witness anticipates an increase in the volume of patients served by the Center within six-months. Mr. Shepherd would use applicant's proposed service if the application is granted.

3/ The additional charges are part of P&T's existing tariff.

Ms. Diane Carol Burns also testified in support of the proposed expanded operations. Ms. Burns is the director of nursing for Martin Luther King Dialysis in Washington, DC. The witness is responsible for making transportation arrangements for private-pay and Medicaid patients. The dialysis facility serves approximately 40 ambulatory and non-ambulatory patients daily. Patients require transportation between the dialysis facility and points in Washington, DC, and Prince George's County, MD. The witness testified that, as new doctors are added to the staff of the facility, transportation will be needed from and to points in Northern Virginia. Ms. Burns would use the proposed service of applicant if it is authorized.

The final witness to testify in support of the application was Ms. Carolyn J. Tapscott. Ms. Tapscott is employed as a social worker for the East River Park Dialysis Center in Washington, DC. The witness is responsible for arranging transportation for the clients of the center. Approximately 52 private-pay and Medicaid patients are served on a weekly basis. The center's clientele is comprised of individuals who walk in for treatments and those who require wheelchair assistance. Clients require transportation between the facility and points in Washington, DC, and Prince George's County, MD. As new doctors are added to the staff of the facility, transportation will be required from and to points in Northern Virginia and Montgomery County, MD. Ms. Tapscott testified that she recently received an inquiry for service from a Montgomery County resident. The witness would use the services of P&T if expanded authority is granted.

DISCUSSION AND CONCLUSIONS

In determining whether to grant or expand a certificate of public convenience and necessity, we look to Title II, Article XII, Section 4(b) of the Compact which requires that an applicant prove it is fit, willing and able to perform the proposed transportation properly and to conform to the provisions of the Compact and the Commission's rules, regulations, and requirements thereunder. Section 4(b) further requires that the applicant prove the proposed service is required by the public convenience and necessity.

Based on a review of the record, we find P&T capable of providing the proposed service. P&T's president has been employed in the passenger transportation industry for over 12 years. The proposed operation would be conducted in essentially the same manner as current operations. Applicant would be using three vehicles and has an additional vehicle readily available if demand requires. Financial data indicate adequate financing to sustain the proposed operations. Applicant's president indicated a willingness on the part of P&T to continue to comply with the Compact and Commission rules and regulations and USDOT safety regulations.

The Commission has relied on the criteria set forth in Pan-American Bus Lines Operations, (1 MCC 190, 203 [1936]), and its progeny to determine whether an applicant has satisfied its burden of proof that the public convenience and necessity require the proposed service. The witnesses testified in support of expanded operations for

the applicant. They all expressed a need for an additional carrier to transport private-pay ambulatory as well as non-ambulatory passengers. The witnesses also supported a need for the proposed service between medical treatment facilities located in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District.

Based upon consideration of all the evidence of record in this proceeding, we find that applicant has met its burden of showing that the proposed service is responsive to a demonstrated public need. No protests were filed, and we infer that the proposed service will not endanger or impair the operations of existing carriers.

THEREFORE, IT IS ORDERED:

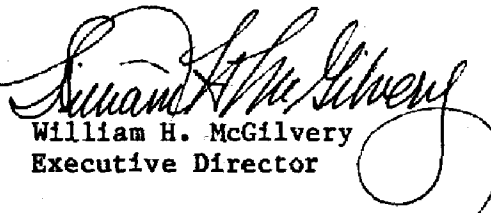
1. That P&T Transportation Co., Inc., is hereby conditionally granted authority, contingent upon timely compliance with requirements of this order, to transport passengers in special operations between medical treatment facilities in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District; restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 passengers or less, including the driver, and further restricted against transportation solely within the Commonwealth of Virginia.

2. That P&T Transportation Co., Inc., is hereby directed to file with the Commission (a) two copies of its WMATC Tariff No. 4 as revised, and (b) an equipment list specifying make, model, serial number, vehicle identification number, and license plate number for each vehicle to be used in WMATC operations.

3. That unless P&T Transportation Co., Inc., complies with the requirements of the preceding paragraph within 30 days from the service date of this order or such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and the application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

4. That upon timely compliance with the requirements of this order, P&T Transportation Co., Inc., will be issued a revised Certificate of Public Convenience and Necessity No. 47 in the form contained in the Appendix to this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director

NO. 47

P&T TRANSPORTATION CO., INC.

WASHINGTON, DC

By Order Nos. 1749, 2887, 3123, 3166, and 3374 of the Washington Metropolitan Area Transit Commission issued September 16, 1977; July 23, 1986; February 2, 1988; May 2, 1988; and July 11, 1989;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order Nos. 1749, 2887, 3123, 3166, and 3374;

THEREFORE, IT IS ORDERED that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder thereof to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, round-trip or one-way, transporting passengers between medical treatment facilities in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District;

RESTRICTED to transportation of passengers in vehicles that have a manufacturer's designed seating capacity of 15 passengers or less (including the driver); and

FURTHER RESTRICTED against transportation between points located solely within the Commonwealth of Virginia.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous, and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of the certificate.